

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ARPAD KELEMEN,

Plaintiff,

-against-

EMESE OLAH,

Defendant.

22-CV-566 (JPO)

ORDER

J. PAUL OETKEN, United States District Judge:

I. Jurisdiction

Plaintiff Arpad Kelemen, who is proceeding *pro se*, invokes the Court’s diversity jurisdiction, but has not alleged sufficient facts regarding the citizenship of Defendant Emese Olah. Federal courts “do not have diversity jurisdiction over lawsuits between two foreign parties” and a “lawful permanent resident (“LPR”) alien, who is domiciled in New York and a citizen of” another country is not considered a citizen of New York for purposes of conferring diversity jurisdiction. *Tagger v. Strauss Grp. Ltd.*, 951 F.3d 124, 127 (2d Cir. 2020). If neither plaintiff nor defendant is a citizen of the United States, there is no diversity jurisdiction. *Grupo Dataflux v. Atlas Global Grp. L.P.*, 541 U.S. 567, 569 (2004). Within twenty-one days after the date of this order, Plaintiff is directed to file a letter informing the Court of whether he is aware of the citizenship of Defendant. If Plaintiff is unaware of Defendant’s citizenship, Plaintiff may request jurisdictional discovery once Defendant has been served with the complaint and summons.

II. Service

Plaintiff has paid the filing fees to commence this action. The Clerk of Court is directed to issue a summons as to Defendant Emese Olah. Plaintiff is directed to serve the summons and

complaint on Defendant within 90 days of the issuance of the summons. If within those 90 days, Plaintiff has not either served Defendant or requested an extension of time to do so, the Court may dismiss the claims against Defendant under Rules 4 and 41 of the Federal Rules of Civil Procedure for failure to prosecute.

The Clerk of Court is directed to mail a copy of this order to Plaintiff, together with an information package.

SO ORDERED.

Dated: February 22, 2022
New York, New York



J. PAUL OETKEN
United States District Judge